

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

ALBERT SMITH,

Plaintiff

v.

LORING GRAY, KENNETH B.
HODGES, III, and GREGORY W.
EDWARDS,

Defendants

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1:04-CV-118 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. 23), filed on February 9, 2006. It is recommended that Defendants' Motion to Dismiss Complaint (Doc. 20) be denied. No objection has been filed.

Upon full review and consideration upon the record, the Court finds that the Report and Recommendation (Doc. 23) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendants' Motion to Dismiss Complaint (Doc. 20) is **DENIED**.

SO ORDERED, this 6th day of March, 2006.

/s/W. Louis Sands
W. LOUIS SANDS, CHIEF JUDGE
UNITED STATES DISTRICT COURT